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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

United States Virgin Islands

Working paper prepared by the Secretariat

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Note: The information contained in the present working paper has been derived from public sources, including those of the territorial Government, and from information transmitted to the Secretary-General by the administering Power under Article 73 *e* of the Charter of the United Nations. Information was transmitted by the administering Power on 16 December 2016. Further details are contained in previous working papers, available from www.un.org/en/decolonization/workingpapers.shtml.

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The Territory at a glance

Territory: The United States Virgin Islands is a Non-Self-Governing Territory under the Charter of the United Nations. As an unincorporated, organized territory of the United States of America, it is administered by the Office of Insular Affairs of the United States Department of the Interior.

Geography: The Territory is located in the eastern part of the Caribbean Sea, 1,075 miles south-east of the south-eastern tip of the United States and 60 miles east of Puerto Rico. It is made up of four main islands: Saint Croix, Saint John, Saint Thomas and Water Island. The capital, Charlotte Amalie, is located on Saint Thomas.

Land area: 352 km^2

Exclusive economic zone: 33,744 km^2

Population: 103,700 (2015 estimate)

Life expectancy at birth: 79.8 years (women: 83.0 years, men: 76.7 years (2014 estimate))

Languages: English or English Creole (74.70 per cent); Spanish or Spanish Creole (16.78 per cent); French or French Creole (6.57 per cent); and other (1.95 per cent)

Capital: Charlotte Amalie

Head of territorial Government: Governor Kenneth E. Mapp

Territory's delegate to the United States Congress: Stacey Plaskett, elected on 8 November 2016 and sworn into office on 3 January 2017

Main political parties: Democratic Party; Independent Citizens' Movement; Republican Party

Elections: The most recent gubernatorial elections were held in November 2014. The elections for legislators and delegate to Congress were held in November 2016.

Legislature: Unicameral (15 senators)

Gross domestic product (GDP) per capita: $29,836 (2015, chained (2009) dollars)

Economy: Tourism is the primary economic activity, accounting for 80 per cent of GDP and employment. The manufacturing sector consists of petroleum refining, rum distilling, textiles, electronics, pharmaceuticals and watch assembly.

Monetary unit: United States dollar

Unemployment rate: 11.5 per cent (October 2016 estimate)

Brief history: The islands belonged to Denmark from 1754 to 1917 (Danish West Indies). On 31 March 1917, the Government of Denmark transferred ownership to the United States. The United States Virgin Islands has since been an organized, unincorporated territory of the United States.

I. Constitutional, political and legal issues

1. The United States Virgin Islands is an organized, unincorporated territory of the United States of America. Under the Organic Act of the Virgin Islands (1936), its revision in 1954 and subsequent amendments to the Revised Organic Act of 1954, the Territory has a legislature, also known as the Senate, which is a unicameral body comprising 15 senators elected to a two-year term by popular vote. Executive power is vested in the Governor, who, since 1970, has been elected by popular vote to a four-year term on the same ticket as the Lieutenant Governor. The Governor is limited to two consecutive terms. With the advice and consent of the Legislature, the Governor appoints the heads of the executive departments and has the power to approve or veto legislation and issue executive orders.

2. In the gubernatorial elections of November 2014, Kenneth Mapp, an independent, was elected Governor and Osbert Potter was elected Lieutenant Governor. The terms of office of the Governor and Lieutenant Governor will expire in November 2018, when the next gubernatorial elections are to be held. The Territory also elects a delegate to the United States House of Representatives, who is able to vote in committees. The Democratic Party candidate, Stacey Plaskett, won the election held on 8 November 2016 and was elected to her second term as delegate. The Territory's senatorial elections were also held on 8 November 2016. The senators and the delegate to Congress can serve unlimited two-year terms.

3. The Territory's judicial system has a district court, a superior court and a supreme court, of which the last-mentioned became operational in January 2007. The Supreme Court is the appellate court that hears appeals decided by the Superior Court. Its establishment eliminated federal judicial involvement in purely local legal matters. In December 2012, the President of the United States signed House of Representatives Bill No. 6116 authorizing direct review by the United States Supreme Court of decisions made by the Supreme Court of the United States Virgin Islands. The legislation was sponsored by the Territory's congressional delegate.

4. Since the revision to the Organic Act of the Virgin Islands by the Government of the United States in 1954, there have been four attempts to replace it with a local constitution approved by the people of the Territory that would organize the internal mechanisms of government. Although the United States Congress authorized the adoption of a local constitution in 1976 under United States Public Law 94-584, none of the four attempts made were successful.

5. As previously reported, on 26 May 2009, the Fifth Constitutional Convention adopted a proposed constitution of the United States Virgin Islands by a two-thirds vote. It was submitted to the Governor on 31 May 2009. In a preamble and 19 articles, the 27-page text included provisions on a bill of rights; principles, branches and subdivisions of government; Virgin Islanders; elections; education; youth; taxation, finance and commerce; economic development; public health, safety and welfare; culture; environmental protection; referendums and recalls; and the creation of a political status advisory commission. Further details can be found in previous working papers.

6. On 26 February 2010, the President of the United States submitted the proposed constitution to Congress, endorsing the conclusions reached by the United

States Department of Justice that several features of the proposed text warranted analysis and comment, including: (a) the absence of express recognition of United States sovereignty and the supremacy of federal law; (b) provisions for a special election on the territorial status of the United States Virgin Islands; (c) provisions conferring legal advantages on certain groups defined by place and timing of birth, timing of residency or ancestry; (d) residence requirements for certain offices; (e) provisions guaranteeing legislative representation of certain geographic areas; (f) provisions addressing territorial waters and marine resources; (g) imprecise language in certain provisions of the proposed constitution's bill of rights; (h) the possible need to repeal certain federal laws if the proposed constitution were adopted; and (i) the effect of congressional action or inaction on the proposed constitution.

7. On 11 September 2012, the Governor signed Act No. 7386 establishing and convening a body called the Fifth Revision Convention, formed by the 30 delegates elected to the Fifth Constitutional Convention and five attorneys. The Fifth Revision Convention was convened on 1 October and mandated to ratify and approve, no later than 31 October and by a two-thirds majority vote of all the delegates, the final revised draft constitution consistent with the nine issues identified by the Government of the United States (see para. 6). The Act established that, if the Fifth Revision Convention agreed upon a proposed revised draft constitution by the deadline, the President of that body should have it submitted to the Governor and to the President of the United States. In case of the non-adoption of the text, both the Fifth Constitutional Convention and the Fifth Revision Convention would be dissolved and the Legislature of the United States Virgin Islands would have full authority to address the Territory's constitution. As reported in previous working papers, however, the outcome of the Fifth Revision Convention was surrounded by controversy and has continued to remain unclear. In January 2013, in his State of the Territory address, the Governor expressed the hope that the Territory would find "the means and courage that will lead us from the Organic Act to a Virgin Islands constitution".

8. According to the administering Power, in March 2016, the Office of Insular Affairs of the Department of the Interior awarded the University of the Virgin Islands $250,000 to establish the Office of Self-Determination and Constitutional Development. The Office works with the Centennial Commemoration Commission (established for the purpose of formulating plans and making preparations to commemorate and celebrate in 2017 the 100th anniversary of the transfer of the Virgin Islands from Denmark to the United States) and other stakeholders across the territory to address the issue of self-determination. Major duties and responsibilities include political status and constitutional education, research and development, universal public education and complementing activities of the Commission.

II. Budget

9. In his State of the Territory address on 30 January 2017, the Governor outlined major financial, managerial and infrastructure improvements to be implemented. He noted that on the one hand the Territory's economy was stronger than ever and growing, but on the other there was a need to address the cash flow issues in the

public sector. The Governor submitted to the thirty-second Legislature a five-year plan to eliminate structural deficits by 2021, which had also been submitted during the thirty-first Legislature, and urged the Legislature to enact the proposed reforms. The Governor also referred to the work of the Transfer Centennial Commission, including lecture series, parades, festive street parties, concerts, craft and cultural events.

10. The Governor of the United States Virgin Islands submitted the executive budget request for 2017 to the Legislature on 27 May 2016. The grand total of the fiscal year 2017 budget of the Government of the United States Virgin Islands is $1.35 billion in current year expenditure and debt service. This is funded with $1.16 billion from local funds and $193.5 million from federal grant funds. The local funds portion is composed of expenditure and debt service totalling $844.9 million from the General Fund, $112.8 million from other local funds and $203.4 million from funds not subject to annual appropriations. The $844.9 million General Fund expenditure budget — the main operating budget of the Government of the United States Virgin Islands — includes a proposed expenditure of $715.5 million for executive departments and agencies, $60.9 million for the Legislature and the judiciary combined and $68.5 million for long-term (gross receipt tax bonds) debt service.

11. Since its submission, the proposed budget for fiscal year 2017 has been significantly affected by the decisions of the three municipal bond rating institutions — Moody's Investment Services, Standard & Poor's Global Ratings and Fitch Ratings — to downgrade various government bonds of the United States Virgin Islands to below investment grade. The rating agencies attributed the downgrades to growing concerns regarding weakened economic conditions, declining coverage and revenue trends, a continued reliance on issuing long-term debt to finance operating deficits and significantly underfunded pension liabilities. According to the administering Power, the Administration of Mr. Mapp has developed a five-year deficit-reduction plan that contains various revenue-generating initiatives and austerity measures. The plan is expected to address the forecasted budget gap for fiscal year 2018, and beyond, and the underfunded pension liabilities.

III. Economic conditions

A. General

12. According to the United States Virgin Islands Bureau of Economic Research, macroeconomic indicators for 2016 show the Territory's economy is emerging from the deep contraction wrought by the recession, which was intertwined with the closing of the oil refinery, but the pace of progress has been slow, subpar and uneven. In the labour market, non-agricultural wage and salary jobs averaged 37,613 for the first half of fiscal year 2016, just marginally lower than the 37,894 jobs for the same period in 2015. The Territory's unemployment rate has fallen by 1.9 per cent, from its peak 13.4 per cent average in fiscal year 2012 to an 11.5 per cent average for the first six-months of fiscal year 2016, its lowest level since April 2012. However, according to the administering Power, the improvement in the

unemployment rate may not only be the result of workers finding jobs, but owing to discouraged workers leaving the labour force.

13. According to the administering Power, the economy will continue its present course of slight improvements, with the major contributions coming from the tourism, the manufacturing and the construction sectors. In addition, several initiatives are being undertaken by the Government, such as highway infrastructure improvements, energy improvements and waste-water treatment improvements, that will assist in the recovery. However, according to the administering Power, a strong recovery of private sector demand, including consumer and investment spending, is required to give momentum to the recovery and bring the economy back to its pre-recession growth.

14. General economic indicators were mixed for the first six months of fiscal year 2016 compared with the same period in fiscal year 2015. On 14 December 2016 the Bureau of Economic Analysis released estimates of gross domestic product (GDP) for 2015, in addition to GDP estimates by industry and compensation by industry for 2014. According to these estimates, after declining for four consecutive years, the Territory's economy grew in 2015: real GDP increased 0.2 per cent in 2015 after decreasing 1.0 per cent in 2014.

B. Tourism

15. The Saint Thomas and Saint John districts experienced a decline of less than 1 per cent of air arrivals during the first half of the 2016 fiscal year (326,632 visitors compared with 327,636 visitors reported in fiscal year 2015). The Saint Croix district showed a strong 9.2 per cent increase in air arrivals (increasing to 77,244 visitors from 70,737 visitors recorded in fiscal year 2015). In contrast, cruise ship passengers to the Saint Thomas and Saint John districts fell by 2 per cent, from 1,155,741 to 1,132,368. The island of Saint Croix also had fewer cruise ship passengers coming to the island's shores, 109,869 cruise ship passengers, compared with 121,344 in fiscal year 2015.

C. Manufacturing and construction

16. According to the United States Virgin Islands Bureau of Economic Research, there was an average of 607 manufacturing jobs in the first six months of fiscal year 2016, compared with 611 reported in the same period for fiscal year 2015, a marginal loss of less than 1 per cent. Businesses in this sector include manufacturers, concrete firms, distilleries and small firms producing goods. These establishments have an average workforce of 20 employees.

17. According to the administering Power, on 31 December 2015, the Governor signed into law the thirty-first Legislature's ratification of the operating agreement between the Government of the United States Virgin Islands and Limetree Bay Terminals, a subsidiary of ArcLight Capital Partners, for the sale of the former Hovensa facility on Saint Croix. Limetree Bay Terminals hosted the grand opening of its oil storage terminal on 12 September 2016. The company expects to operate the oil storage terminal at full capacity, 32 million barrels, in the future. Currently,

only 13 million barrels are stored there, with Sinopec and Freepoint Commodities, another ArcLight partner, purchasing most of them. Limetree is expected to hire 80 employees initially, with 80 per cent of the workforce to comprise residents of Saint Croix. According to the Bureau of Economic Research, the company is looking into the possibility of restarting refining operations, albeit on a smaller scale.

18. According to the Bureau of Economic Research, since the closure of the refinery in 2012, rum production has taken over as the strongest performer in the Territory's manufacturing sector. The rum industry consists of two companies. Both distilleries have a combined capacity to produce 29 million proof gallons of rum per year. Rum produced in the Territory is exported to the United States primarily in bulk and sold to local and regional bottlers for sale under a variety of brands. Shipments for the first six months of fiscal year 2016 totalled 8,136.6 proof gallons compared with 9,669.8 proof gallons for the same period in 2015.

D. Trade, transportation and utilities

19. The United States Virgin Islands has some 1,250 km of roadways. The Territory also enjoys one of the most natural deep-water harbours in the Caribbean and is strategically located along the Anegada Passage, a key route for ships bound for the Panama Canal. The Territory has five major docking facilities, which can accommodate cruise ships and some naval vessels. Three of the docks are on Saint Croix: South Shore, Gallows Bay and Frederiksted. The other two are on Saint Thomas: the facilities operated in Crown Bay by the Virgin Islands Port Authority, a semi-autonomous government agency, and the Islands-owned West Indian Company.

20. The Water and Power Authority has continued its efforts to diversify its energy portfolio and modernize the plants' infrastructure. The utility's efforts have led to a reduction in power costs to both commercial and residential ratepayers. The United States Virgin Islands allows net metering of small distributed resources, and 15 MW of distributed solar capacity now provide 13 per cent of the midday peak demand. The Territory also has two commercial-scale solar projects, each about 4 MW, at Estate Donoe on Saint Thomas and Estate Spanish Town on Saint Croix. Two 3-MW projects are currently under construction.

21. The Authority launched a $150 million project in 2013 to convert its electric generating stations to use propane instead of residual and diesel fuel oils. It aims to cut its imported fuel costs by 30 per cent. In recent years, generating fuel surcharges have driven the average price of electricity paid by consumers as high as 50 cents per kWh, five times the average in the United States.

22. In April 2016, the Authority began commissioning propane fuel for the Saint Croix Estate Richmond facility. Once testing and other procedures are completed, the plant will begin the introduction of liquefied petroleum gas into retrofitted units. In November 2016 the commissioning process began at the Randolph Harley power plant in Saint Thomas. The units have been permitted to use three fuel types: oil, propane and natural gas for the generation of electricity. It is anticipated that the usage of liquefied petroleum gas will result in a 30 per cent reduction in utility costs for ratepayers.

23. In terms of communications, the Territory has some 59,000 telephones, 8,700 Internet hosts (a computer connected directly to the Internet) and a number of radio and television broadcasting stations.

E. Agriculture and fisheries

24. Historically, sugar cane and, to a lesser extent, cotton were the main sources of revenue for the Territory's economy. Currently, the agricultural sector is very small and comprises mainly fruit and vegetable cultivation and cattle-raising.

25. According to the administering Power, the Territory's Department of Agriculture has submitted grant applications to establish a farm-to-school programme within the Department and to make farmers markets accessible to recipients of the supplemental nutrition assistance programme. If successful, the Department will begin to build the capacity needed to increase the availability of locally grown food in the school lunch programme. It will also seek to partner with the United States Department of Agriculture Food and Nutrition Service and the Virgin Islands Department of Human Services to conduct a training programme with a small group of qualified farmers on how to use the electronic benefits transfer card reader for smartphones or stationary card readers. If successful, local farmers and fishers would have access to the market of supplemental nutrition assistance programme recipients.

IV. Social conditions

A. Labour

26. According to the United States Virgin Islands Bureau of Labor Statistics, there were 42,752 persons employed in civilian jobs during the first six months of fiscal year 2016 (19,378 in Saint Croix and 23,343 in the Saint Thomas and Saint John districts). This is a 2.3 per cent increase from the 41,802 persons employed for the corresponding period in fiscal year 2015. The territorial jobless rate was 11.5 per cent. The rate for Saint Croix was 11.4 per cent while the rate for Saint Thomas and Saint John was 11.5 per cent. The unemployment rate reflects the number of persons actively pursuing employment. The average salary in the Territory was $39,258 in 2016. Total private sector annual salary wage was $34,088. Total public sector average annual salary was $52,572. Public sector jobs comprise of 29 per cent of total non-agricultural jobs.

27. According to the United States Virgin Islands Self-Sufficiency Standard and Impact of the Minimum Wage Proposal, a project managed by the Bureau of Economic Research and published on 25 March 2016, the Governor signed Bill No. 31-0236 into law on 23 March 2016, increasing the Territory's minimum wage to $8.35 per hour to take effect in 90 days, $9.25 per hour by January 2017 and $10.50 per hour by January 2018. The Territory has now joined 29 states and the District of Columbia, that offers a minimum wage above the current federal minimum of $7.25. According to an impact assessment conducted by the Bureau of Economic Research, an estimated 14,416 workers, or about 37 per cent of the territorial workforce, would receive a pay raise resulting from the passage of this bill.

B. Education

28. Education in the United States Virgin Islands is compulsory and free for all children between 5 and 16 years of age. The Territory's Department of Education comprises a state-level education agency and two local education agencies, one for the Saint Thomas-Saint John district and the other for the Saint Croix district. Each district has two high schools and three middle schools, the Saint Thomas-Saint John district has nine elementary schools and the Saint Croix district has eight. The official total enrolment for the 2015/16 school year was 13,806 students: 6,561 in the Saint Croix district and 7,245 in the Saint Thomas-Saint John district. The University of the Virgin Islands has campuses on Saint Thomas and Saint Croix and a combined full-time and part-time student body of some 2,500 students.

29. According to the administering Power, during the 2015/16 school year, the Department of Education continued to implement the common core state standards, more correctly referred to as the college and career readiness standards, and the employee effectiveness system. The standards were developed to foster academic achievement for students while the employee effectiveness system supports improvements in instruction. The three priorities for the Territory are: student achievement, organizational culture and climate and employee effectiveness. The college and career readiness standards are intended to level the playing field for students to guarantee that they will be on par with other students nationally and globally. The standards outline specific learning goals of what a student should know and be able to do at the end of each grade.

C. Public health

30. The Territory's Department of Health maintains facilities on Saint Thomas, Saint John and Saint Croix. It also maintains a long-term care facility on Saint Thomas. Outreach efforts include educational, preventive and treatment services using clinics and subdivisions for maternal and child health, family planning, environmental health, sexually transmitted infections, HIV and tuberculosis, mental health and substance abuse. The Department administers 33 activity centres and 16 federal programmes under the auspices of the Office of the Commissioner and the divisions dealing with fiscal affairs, support services, public health services and health promotion and statistics.

31. As at 29 November 2016, the Department of Health announced the confirmation of 807 cases of Zika virus in the United States Virgin Islands. The Department also reported that it had been preparing for additional cases in the Territory and taking steps to educate the public on how to protect themselves from mosquito bites to prevent the virus from spreading further. According to the administering Power, those efforts have garnered the Department praise for its Zika virus prevention outreach and education. The types of activities and collaborative models used by the Department led the Centers for Disease Control and Prevention to prepare a guidance handbook for the states on the mainland. It is also worth noting that the Zika virus prevention, outreach and education team (with members from both the United States Virgin Islands and the Centers for Disease Control and

Prevention) have been invited to present the Territory's Zika prevention activities at forums, as well as to produce articles for publications.

D. Crime and crime prevention

32. In his State of the Territory address for 2016, the Governor noted that an across-the-board assessment of all law enforcement operations in the Territory had been undertaken and that the final assessment of the police department and all law enforcement agencies had been completed and issued. In his view, violent crime remained unacceptably high and a more comprehensive strategy was required to combat and reduce crime. The Government was stepping up recruitment efforts and technical resources, and crime prevention technology tools had been purchased. He also announced that the New York Police Department had agreed to accept and train police officers from the Territory at the New York Police Academy.

33. According to the administering Power, the Virgin Islands Police Department will be creating community partnerships (such as the Citizen Integration Team and Project Peace Initiative) for fiscal year 2016/17. It will be engaging with and implementing the National Network for Safe Communities strategies in short order. The Department will identify the offender population, targeting out the outlier groups and deploying specific and focused intervention strategies to address those offenders. The Department will also be supporting rehabilitation initiatives in hopes of deterring recidivism and as a means of providing alternatives for those presently involved in criminal activity.

V. Environmental protection and disaster preparedness

34. In December 2015, the Virgin Islands Territorial Emergency Management Agency conducted the first-ever full-scale maritime response exercise to test the first responder capabilities in managing a major incident at sea. The exercise was set in Pillsbury Sound, the body of water between Saint Thomas and Saint John. The scenario included an explosion aboard a ferry carrying 60 passengers on an excursion to Saint John. The first responders and emergency managers were evaluated on on-site incident management, marine search and rescue operations, communications, emergency operations centre management, on-scene security and protection, triage and pre-hospital treatment and medical surge capacity. More than 20 local and federal agencies participated.

35. In March 2016, the first high school Teen Community Emergency Response Team completed training offered by the Agency in partnership with the Saint Croix Rescue Academy. Thirty-three students from Saint Croix Educational Complex High School volunteered to join the ranks of the Teen Community Emergency Response Team and are now trained in basic disaster-related response skills, fire safety and suppression, light search and rescue, disaster medical operations and team organization. The students completed cardio-pulmonary resuscitation training as part of the programme and received a certification card from the American Heart Association.

36. On 16 October 2015, the Governor signed an executive order to prepare the Territory for the impacts of climate change. It provides for the launch of a territorial climate change initiative and facilitates close cooperation among the federal Government, the Government of the Territory, the private sector, civil society and the wider community.

37. The executive order establishes a Virgin Islands climate change council, which will function as a coordinating mechanism, receiving the full cooperation of all public sector institutions and instrumentalities, and work with federal and local agencies, academic and research institutions and the private and non-profit sectors. It will also designate a public institution or network of institutions, as necessary, to host and manage the data and tools required for decision-making regarding public information and climate adaptation. Furthermore, it provides for the establishment of an Internet-based portal to support the integration of those data.

38. According to the administering Power, in March 2016, the Office of Insular Affairs of the United States Department of the Interior awarded the United States Virgin Islands a $828,050 grant to support and spur its efforts to develop a robust multi-sector climate adaptation strategy and coordinated framework to carry out its goals and objectives. The grant will fund five full-time project positions for two years and cover direct operating costs for one year.

VI. Relations with international organizations and partners

39. The United States Virgin Islands is an associate member of the Economic Commission for Latin America and the Caribbean. The Territory has observer status with the Association of Caribbean States and with the Alliance of Small Island States, which serves as a platform to promote action on environmental issues, including climate change. According to information provided by the administering Power, the United States Virgin Islands received acceptance as a territorial Government with observer status at the Organisation of Eastern Caribbean States in 2009.

40. The British Virgin Islands and United States Virgin Islands are making progress to strengthen their ties in areas of mutual interest, following the seventh meeting of the Inter Virgin Islands Council, held on 2 September 2016 in Saint Thomas. The Premier and Minister of Finance of the British Virgin Islands, and Governor of the United States Virgin Islands led their respective delegations of Government officials to report to the Council and further discuss areas of shared interests. During the meeting, reports were received from the standing committees on law enforcement, pleasure boating and sports fishing, cultural preservation, tourism, energy and utilities, health, mutual disaster preparedness and assistance, as well as education. Also discussed was the update on progress made regarding cooperation for British Virgin Islands musician work permits.

VII. Future status of the Territory

A. Position of the territorial Government

41. Developments regarding discussions on the future status of the United States Virgin Islands are reflected in section I.

B. Position of the administering Power

42. In a letter dated 2 November 2006 addressed to the delegate of American Samoa to the United States House of Representatives, the Assistant Secretary of State for Legislative Affairs elaborated on the position of the Government of the United States. In his letter, he indicated that the status of the insular areas regarding their political relations with the federal Government was an internal United States issue and not one that came under the purview of the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples. He also noted that the Special Committee had no authority to alter in any way the relationship between the United States and those territories and no mandate to engage the United States in negotiations on their status. He further noted that, at the same time, in accordance with its obligations under the Charter of the United Nations to provide regularly to the United Nations statistical and other information of a technical nature relating to economic, social and educational conditions in the Non-Self-Governing Territories, the federal Government submitted annual updates on United States territories to the Special Committee as a demonstration of the cooperation of the United States as an administering Power and as a corrective to any errors in information that the Special Committee might have received from other sources.

43. According to the administering Power, on 23 February 2016, the Assistant Secretary for Insular Areas of the United States Department of the Interior hosted a panel discussion in Washington, D.C., on self-determination in the United States Virgin Islands, American Samoa and Guam. The panel included territorial experts and officials from the United States Department of the Interior and the State Department, who provided an updated context for federal policymakers and for a new generation to learn about the status of self-determination in the respective territories, as well as to understand their rights with regard to self-determination under federal and international law. The panel experts reaffirmed the administering Power's position that under the United States Constitution, only the United States Congress has the plenary power to dispose of and make needful rules and regulations respecting the territories. It was also re-established that it is the administering Power's policy that the territories have three distinct options for exercising self-determination: continued territorial status, statehood or independence.

VIII. Action taken by the General Assembly

44. On 6 December 2016, the General Assembly adopted resolution 71/118 without a vote, on the basis of the report of the Special Committee for 2016

(A/71/23) and the subsequent recommendation by the Fourth Committee. In that resolution the Assembly:

(a) Reaffirmed the inalienable right of the people of the United States Virgin Islands to self-determination, in conformity with the Charter of the United Nations and with General Assembly resolution 1514 (XV), containing the Declaration on the Granting of Independence to Colonial Countries and Peoples;

(b) Also reaffirmed that, in the process of decolonization of the United States Virgin Islands, there was no alternative to the principle of self-determination, which was also a fundamental human right, as recognized under the relevant human rights conventions;

(c) Further reaffirmed that it was ultimately for the people of the United States Virgin Islands to determine freely their future political status in accordance with the relevant provisions of the Charter, the Declaration and the relevant resolutions of the General Assembly, and in that connection called upon the administering Power, in cooperation with the territorial Government and appropriate bodies of the United Nations system, to develop political education programmes for the Territory in order to foster an awareness among the people of their right to self-determination in conformity with the legitimate political status options, based on the principles clearly defined in Assembly resolution 1541 (XV) and other relevant resolutions and decisions;

(d) Welcomed the proposal of a draft constitution emanating from the Territory in 2009, as a result of the work of the United States Virgin Islands Fifth Constitutional Convention, for review by the administering Power, and requested the administering Power to assist the territorial Government in achieving its political, economic and social goals, in particular the successful conclusion of the internal Constitutional Convention exercise;

(e) Requested the administering Power to facilitate the process for approval of the proposed territorial constitution in the United States Congress and its implementation, once agreed upon in the Territory;

(f) Also requested the administering Power to assist the Territory by facilitating its work concerning a public education programme, consistent with Article 73 *b* of the Charter, and in that regard called upon the relevant United Nations organizations to provide assistance to the Territory, if requested;

(g) Expressed its concern regarding the continuing negative impact of the Hovensa plant closure;

(h) Reiterated its call for the inclusion of the Territory in regional programmes of the United Nations Development Programme, consistent with the participation of other Non-Self-Governing Territories;

(i) Welcomed the active participation of the Territory in the work of the Economic Commission for Latin America and the Caribbean;

(j) Stressed the importance of the Special Committee's being apprised of the views and wishes of the people of the United States Virgin Islands and enhancing its understanding of their conditions, including the nature and scope of the existing

political and constitutional arrangements between the United States Virgin Islands and the administering Power;

(k) Called upon the administering Power to participate in and cooperate fully with the work of the Special Committee in order to implement the provisions of Article 73 *e* of the Charter and the Declaration and in order to advise the Committee on the implementation of the provisions under Article 73 *b* of the Charter on efforts to promote self-government in the United States Virgin Islands, and encouraged the administering Power to facilitate visiting and special missions to the Territory;

(l) Reaffirmed the responsibility of the administering Power under the Charter to promote the economic and social development and to preserve the cultural identity of the Territory, and requested the administering Power to take steps to enlist and make effective use of all possible assistance, on both a bilateral and a multilateral basis, in the strengthening of the economy of the Territory;

(m) Took into account the 2030 Agenda for Sustainable Development, including the Sustainable Development Goals, stressed the importance of fostering the economic and social sustainable development of the Territory by promoting sustained, inclusive and equitable economic growth, creating greater opportunities for all, reducing inequalities, raising basic standards of living, fostering equitable social development and inclusion and promoting the integrated and sustainable management of natural resources and ecosystems that supports, inter alia, economic, social and human development, while facilitating ecosystem conservation, regeneration, restoration and resilience in the face of new and emerging challenges, and strongly urged the administering Power to refrain from undertaking any kind of illicit, harmful and unproductive activities, including the use of the Territory as a tax haven, that were not aligned with the interest of the people of the Territory;

(n) Requested the Territory and the administering Power to take all measures necessary to protect and conserve the environment of the Territory against any degradation, and once again requested the specialized agencies concerned to monitor environmental conditions in the Territory and to provide assistance to the Territory, consistent with their prevailing rules of procedure;

(o) Requested the Special Committee to continue to examine the question of the United States Virgin Islands and to report thereon to the General Assembly at its seventy-second session and on the implementation of the present resolution.

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Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples

Western Sahara

Working paper prepared by the Secretariat

I. Report and good offices of the Secretary-General

1. Pursuant to General Assembly resolution 70/98, the Secretary-General submitted to the Assembly at its seventy-first session a report on the question of Western Sahara (A/71/224). The report covered the period from 1 July 2015 to 30 June 2016 and contained a review of the activities carried out by the Secretary-General in the exercise of his good offices.

2. Also during the period under review, pursuant to Security Council resolution 2218 (2015), the Secretary-General submitted a report on 19 April 2016 to the Council on the situation concerning Western Sahara (S/2016/355).

3. In its resolution 2218 (2015), the Security Council called upon all parties to cooperate fully with the operations of the United Nations Mission for the Referendum in Western Sahara (MINURSO), including its free interaction with all interlocutors, and to take the steps necessary to ensure the security of and unhindered movement and immediate access for the United Nations and associated personnel in carrying out their mandate, in conformity with existing agreements. The Council also called upon the parties to continue to show political will and work in an atmosphere propitious for dialogue in pursuing their negotiations on the future status of Western Sahara. It requested the Secretary-General to brief the Council on the implementation of the resolution, challenges to MINURSO operations and steps taken to address them. The Council decided to extend the mandate of MINURSO until 30 April 2016.

4. The report of the Secretary-General to the Security Council (S/2016/355) covered developments since his previous report, dated 10 April 2015 (S/2015/246), and provided, among other things, information on the situation on the ground, the status and progress of the political negotiations on Western Sahara, his activities and

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those of his Chef de Cabinet, the implementation of resolution 2218 (2015), and the existing challenges to the Mission's operations and steps taken to address them. The report also provided information on the Secretary-General's visit to the region from 3 to 7 March 2016, namely its results and subsequent developments. It concluded with observations and recommendations.

5. In the report, the Secretary-General informed the Security Council that on 16 March 2016 the Permanent Mission of Morocco had sent a note verbale to his Executive Office transmitting a "list of 84 international civilian personnel of MINURSO and the African Union who should leave the Kingdom of Morocco within three days". By 20 March 2016, the 70 United Nations and 3 African Union international civilian personnel on the list actually present in Laayoune and their dependants had been temporarily reassigned. In a letter dated 20 March, the then Secretary-General of the Frente Popular para la Liberación de Saguia el-Hamra y de Río de Oro (Frente Polisario), Mohammed Abdelaziz, criticized the decision of Morocco to call for the removal of the civilian staff. The Secretary-General indicated that, aside from that crisis, the situation in Western Sahara, as it presented itself to MINURSO, had been generally stable since his previous report. He referred to one potential violation of the ceasefire, as defined in military agreement No. 1, in February 2016. Municipal and, for the first time, regional elections had been held in Morocco and in Western Sahara on 4 September 2015. Insofar as MINURSO could ascertain, the elections were conducted without incident. King Mohammed VI had visited Laayoune in November 2015 and Dakhla in February 2016. The Secretary-General referred to the statement made by the King on 6 November 2015, on the occasion of the fortieth anniversary of the Green March, as well as the reaction, on 17 November 2015, by Frente Polisario, which expressed its "deep concern" at the content of the King's speech.

6. The Secretary-General stated that, in the refugee camps near Tindouf, Algeria, life and social activities were being conducted peacefully and in a relatively calm atmosphere. The severe living conditions, already affected by a continuing decrease in humanitarian aid, had deteriorated further in October 2015 as a result of prolonged heavy rains that had devastated the five camps, destroying many of the refugees' mud-brick homes, infrastructure and food supplies.

7. The Secretary-General indicated that, after the publication of his previous report (S/2015/246), he had dispatched his then Chef de Cabinet, Susana Malcorra, to communicate his understanding of the issues at stake and give new impetus to the negotiating process on Western Sahara. The Personal Envoy of the Secretary-General for Western Sahara, Christopher Ross, had, at the request of the Secretary-General, moved to intensify his efforts through bilateral consultations and shuttle diplomacy. The Personal Envoy's objective was to foster new ideas with a view to resuming the political negotiations between the parties, in accordance with the Manhasset formula. Working towards this objective, Mr. Ross had conducted four trips to the region: from 31 August to 10 September 2015; from 19 to 28 October 2015; from 22 to 30 November 2015; and from 16 to 25 February 2016. A full account of the activities undertaken by the then Chef de Cabinet and the Personal Envoy can be found in the report of the Secretary-General (S/2016/355).

8. In the light of the ongoing stalemate and his desire to visit MINURSO, the Secretary-General visited the region from 3 to 7 March 2016, visiting Nouakchott,

the Smara refugee camp near Tindouf, Rabouni, the MINURSO team site in Bir Lahlou and Algiers. The Government of Morocco was unable to receive him during that time frame. His visit had four objectives: (a) to make his own assessment and contribution to the search for a settlement; (b) to visit MINURSO and pay tribute to its civilian personnel and military observers; (c) to bear witness to the protracted humanitarian plight of the refugees; and (d) to exchange views on other issues of mutual interest with relevant leaders.

9. With regard to the activities of MINURSO, the Secretary-General reported that, as at 31 March 2016, local cooperation had been maintained by both parties at the team site level. West of the berm, apart from the potential breach of the ceasefire mentioned in paragraph 5 above, MINURSO had recorded no other new violations by the Royal Moroccan Army besides the nine long-standing violations indicated in his previous report (see S/2015/246, para. 25). East of the berm, MINURSO had observed and recorded one new violation, namely, the Frente Polisario military forces' relocation of two units away from their original location, in addition to the three long-standing violations indicated in the Secretary-General's previous report (ibid.).

10. On mine action, the Secretary-General informed the Security Council that landmines and other explosive remnants of war had continued to endanger the lives of MINURSO military observers and logistical teams, as well as local and nomadic populations. As of the end of March 2016, a total of 52 cluster strike areas and 42 minefields remained to be addressed east of the berm. However, the departure of all international staff overseeing the demining project managed by the Mine Action Service as part of MINURSO had resulted in the suspension of all demining activities since 20 March 2016. The Secretary-General also indicated that the potential for regional instability and insecurity had increasingly affected the operational environment of MINURSO.

11. On substantive civilian activities, the Secretary-General indicated that, during the reporting period, his Special Representative for Western Sahara had maintained constructive contacts with the parties primarily through their respective coordination offices. However, the Mission's substantive activities had come to a halt following the departure of the political segment of the Mission in March 2016 at the request of Morocco. West of the berm, access by MINURSO to local interlocutors continued to be restricted to the MINURSO coordination office of Morocco, as well as the Moroccan civil and military authorities. The long-standing issue of MINURSO vehicles operating with Moroccan licence plates west of the berm persisted, as described in previous reports (see S/2015/246). In the refugee camps south of Tindouf, MINURSO and the United Nations agencies enjoyed unhindered access and interaction with Frente Polisario representatives and refugees, as well as with local and international civil society organizations.

12. The Secretary-General indicated that the parties continued to have significantly divergent interpretations of the Mission's mandate. For the United Nations, the Mission's mandate was defined in successive Security Council resolutions. To respond to the expectations of the Council, effective implementation of the mandate of MINURSO required that the Mission be able to perform the full range of standard peacekeeping functions that United Nations operations around the world perform. The Secretary-General also noted that the temporary reassignment of

the Mission's international personnel from Laayoune to various locations had severely affected its capacity to continue its functions. Beyond the operational impact, the withdrawal of the international civilian component had seriously compromised the capacity of the Mission to perform the mandate established by the Security Council.

13. With regard to humanitarian activities and human rights, the Secretary-General indicated that the International Committee of the Red Cross, in its role as a neutral intermediary, had continued to work with the parties and families concerned in treating the cases of persons still unaccounted for in relation to the past hostilities.

14. With regard to assistance to and protection of Western Saharan refugees, the Secretary-General indicated that the Office of the United Nations High Commissioner for Refugees (UNHCR) was continuing to provide international protection to Western Saharan refugees living in the five camps near Tindouf and, together with its partners, deliver life-saving assistance and organize livelihood activities targeting vulnerable refugees, and young people in particular. These included multisectoral activities in the areas of protection, shelter, water and sanitation, health, nutrition and education and the provision of non-food items, with a renewed focus on livelihoods. Pending the registration of the refugees in the camps near Tindouf, the humanitarian assistance provided by UNHCR and the World Food Programme continued to be based on a population planning figure of 90,000 vulnerable refugees, with the latter furnishing an additional 35,000 food rations to persons with poor nutritional status. The Secretary-General noted that underfunding continued to affect the regular refugee programme despite high-level efforts to mobilize additional assistance. On 22 July 2015, following her visit to the region, his then Chef de Cabinet convened a meeting in New York of permanent representatives from existing and potential donor countries to encourage the mobilization of additional financial resources to address the shortfalls, particularly in food assistance. A more detailed account of the assistance provided can be found in the report of the Secretary-General.

15. The Secretary-General informed the Security Council that all activities of the confidence-building measures programme, as stipulated in the plan of action of 2012, had been suspended in June 2014. As it continued its consultation and cooperation with both parties, UNHCR remained ready to facilitate the prompt resumption of the family visits and cultural seminars through the existing coordination mechanism. The Secretary-General indicated that over 12,000 individuals were registered to benefit from the family visits programme. UNHCR remained committed to the mandate and to the principles of the confidence-building measures programme and had thus maintained a minimum operational capacity to respond immediately at such time as the confidence-building activities resumed. It was imperative that the programme continued to link the population divided by the conflict for the last 40 years.

16. The Secretary-General also informed the Security Council that, as jointly agreed with Morocco, the Office of the United Nations High Commissioner for Human Rights (OHCHR) had carried out a technical mission to Laayoune and Dakhla in Western Sahara from 12 to 18 April 2015. An account of the visit is contained in the report of the Secretary-General, along with other information relating to human rights, including with regard to the missions undertaken to Dakhla

by the Special Rapporteur on the right to food on 10 October 2015 and by the Independent Expert on human rights and international solidarity on 19 and 20 January 2016; the adoption on 8 October 2015 of concluding observations by the Committee on Economic, Social and Cultural Rights of the Economic and Social Council in respect of the fourth periodic report submitted by Morocco; and the technical mission carried out by OHCHR, pursuant to an agreement with Algeria and Frente Polisario, to the Western Saharan refugee camps near Tindouf, Algeria, from 29 July to 4 August 2015.

17. With regard to the African Union, the Secretary-General informed the Security Council that, before the request by the Government of Morocco for the three African Union personnel to leave Laayoune, MINURSO had continued its cooperation with the observer delegation of the African Union. On 18 March, the Chairperson of the African Union Commission issued a statement deploring the decision by Morocco to remove personnel from MINURSO. She also stressed the need to make progress in the political process and called for the international community to provide unreserved support for the United Nations efforts.

18. In his observations and recommendations, the Secretary-General indicated that, given the lack of progress towards a resolution of the dispute over the status of Western Sahara, which had not changed since his previous report, the efforts of the United Nations through the work of his Personal Envoy, of MINURSO and of the agencies present on the ground remained highly relevant. The frustrations he had witnessed among Western Saharans, coupled with the expansion of criminal and extremist networks in the Sahelo-Saharan region, had presented increased risks for the stability and security of all the countries of the region. A settlement of the Western Sahara conflict would mitigate those potential risks and promote regional cooperation in the face of common threats and regional integration to bolster economic opportunity. As he had urged during his visit to the region, it was crucial to make progress as soon as possible to address the tragic humanitarian situation that had lasted far too long. In that connection, he continued to note with regret that the political process that had begun in April 2007 had not yet opened the way to the genuine negotiations for which he and the Council had repeatedly called.

19. The Secretary-General indicated that the fundamental difficulty was that each party came to the table with a different vision. The time had come to engage in serious negotiations without preconditions and in good faith to reach "a mutually acceptable political solution, which will provide for the self-determination of the people of Western Sahara" (see Security Council resolution 2218 (2015), para. 7). The mutually acceptable political solution should include resolution of the dispute over the status of Western Sahara, including through agreement on the nature and form of the exercise of self-determination. The negotiations must be open to the two parties' proposals and ideas. Algeria and Mauritania, as neighbouring countries, could and should make important contributions to the process. To that end, the Secretary-General had requested the Personal Envoy to redouble his efforts to make progress with all concerned.

20. The Secretary-General recalled that the Security Council had established MINURSO to monitor the ceasefire between the parties, to maintain the military status quo and, subject to the agreement of the parties, to organize a referendum on self-determination. MINURSO, as with any United Nations peacekeeping operation,

was responsible for reporting to the Secretariat, the Security Council and his Personal Envoy on local developments affecting or relating to the situation in its area of operation, including the maintenance of the ceasefire and political and security conditions affecting the peace process that his Personal Envoy was facilitating. Without a suitable and fully staffed international civilian component, the Mission could not fulfil a core component of its functions and would thus fail to meet the Security Council's expectations. The Secretary-General stated that he was very deeply concerned that the security environment in the Mission's area of operation was likely to continue to deteriorate and further compound the existing limitations placed on its ceasefire monitoring activities. He called on the Security Council to restore and support the mandated role of MINURSO, uphold peacekeeping standards and the impartiality of the United Nations and, most importantly, avoid setting a precedent for United Nations peacekeeping operations around the world. The Mission's presence and successful operation were critical to ensuring the parties' observation of the ceasefire, as a mechanism to support the implementation of successive Security Council resolutions, and as a visible representation of the international community's commitment to achieving a resolution to the conflict. As broad engagement across sectors and communities was essential for any peacekeeping mission, the Secretary-General expressed his hope, in particular, that the remaining limitations on the Mission's "free interaction with all interlocutors", as cited in every Security Council resolution on the subject since 2012, would be removed. He further stated that the risk of a rupture of the ceasefire and a resumption of hostilities, with its attendant danger of escalation into full-scale war, would grow significantly in the event that MINURSO was forced to depart or found itself unable to execute the mandate that the Security Council had set. In that context, and in the light of the continuing efforts of his Personal Envoy and the continuing importance of MINURSO, the Secretary-General recommended that the Council extend the mandate of MINURSO for a further 12 months, until 30 April 2017.

21. The Secretary-General noted with great concern the chronic lack of funding for the refugee programme and the deteriorating humanitarian situation and urged the international community to continue its support and to increase funding for this vital humanitarian programme. He also reiterated his call for continued consideration of registration in the refugee camps near Tindouf and invited efforts in this regard.

22. The Secretary-General indicated that he remained concerned by the suspension of the confidence-building measures programme. He encouraged the parties to engage in further dialogue with UNHCR on the resumption of that important humanitarian programme for the Western Saharan population.

23. The Secretary-General also indicated that it remained vital to address all human rights protection gaps and underlying human rights issues in situations of protracted conflict such as that in Western Sahara. Human rights did not have borders. All stakeholders were obliged to uphold the human rights of all people. He therefore urged the parties to respect and promote human rights, including by addressing outstanding human rights gaps and enhancing their cooperation with OHCHR and the various United Nations human rights mechanisms.

24. The Secretary-General commended the parties' cooperation with OHCHR during its missions to Western Sahara and the refugee camps in 2015, and also took note of the invitations extended by Morocco to the special procedures mandate holders of the Human Rights Council and its cooperation with them. He welcomed confirmation that the National Human Rights Council had been designated as the independent national preventive mechanism, as envisaged in the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and urged completion of the legislative formalities required to complete the process. He also welcomed the expressed readiness of Frente Polisario to cooperate with OHCHR, as well as its positive amendment of the jurisdiction of the "military court" in the refugee camps. The Secretary-General urged further engagement with regard to the human rights situation in Western Sahara and the refugee camps, including by supporting human rights entities operating there and by augmenting the provision of humanitarian aid in the camps.

25. In the light of the continued interest in the exploration and exploitation of the natural resources of Western Sahara, the Secretary-General reiterated his call to all relevant actors to "recognize the principle that the interests of the inhabitants of these territories are paramount", in accordance with Article 73 of the Charter of the United Nations.

26. The Secretary-General noted that what he wanted to emphasize most strongly was that the conflict over Western Sahara and the attendant, truly heart-wrenching human suffering had to come to an end for the well-being of the Western Saharans and for the stability and security of the North African region and beyond. In 2007, the Security Council had asked the parties to negotiate a solution, and they had been unable to do so despite the passage of nine years. It was more urgent than ever for the parties to engage in genuine dialogue and for the international community to lend all assistance in this regard.

II. Consideration by the Security Council

27. Following its consideration of the report of the Secretary-General, the Security Council unanimously adopted resolution 2285 (2016) on 29 April 2016, by which it emphasized the urgent need for MINURSO to return to full functionality; requested the Secretary-General to brief the Council within 90 days on whether MINURSO had returned to full functionality and expressed its intention, if MINURSO had not achieved full functionality, to consider how best to facilitate achievement of that goal; reaffirmed the need for full respect of the military agreements; called upon all parties to cooperate fully with the operations of MINURSO and ensure the security of and unhindered movement and immediate access for the United Nations and associated personnel in carrying out their mandate; and called upon the parties to continue to show political will and work in an atmosphere propitious for dialogue in order to enter into a more intensive and substantive phase of negotiations and to continue negotiations under the auspices of the Secretary-General without preconditions and in good faith, with a view to achieving a just, lasting and mutually acceptable political solution that would provide for the self-determination of the people of Western Sahara in the context of arrangements consistent with the principles and purposes of the Charter, and noted the role and responsibilities of the

parties in that respect. The Council decided to extend the mandate of MINURSO until 30 April 2017.

III. Consideration by the General Assembly

28. During the debate from 3 to 10 October 2015, the Special Political and Decolonization Committee (Fourth Committee) heard statements by 78 petitioners on the question of Western Sahara (see A/C.4/71/SR.4 and 5). On 3, 7 and 10 October, Member States addressed, among other things, the issue of Western Sahara. Some of them expressed strong support for the right of the Saharans to self-determination and reaffirmed their support for the relevant General Assembly and Security Council resolutions and the efforts of the Secretary-General and his Personal Envoy. Others expressed the belief that the autonomy plan by Morocco offered a realistic and viable option that could provide the best prospect for achieving a mutually acceptable solution to the question (see A/C.4/71/SR.2, 6 and 7).

29. At its 7th meeting, on 10 October 2016, the Committee had before it a draft resolution entitled "Question of Western Sahara" (A/C.4/71/L.4), submitted by the Chair, which it adopted without a vote.

30. On 6 December 2016, the General Assembly adopted the draft resolution, without a vote, as resolution 71/106. In that resolution, the Assembly, among other things, welcomed the commitment of the parties to continue to show political will and work in an atmosphere propitious for dialogue and the ongoing negotiations between the parties; called upon the parties to cooperate with the International Committee of the Red Cross and to abide by their obligations under international humanitarian law; requested the Special Committee on the Situation with regard to the Implementation of the Declaration on the Granting of Independence to Colonial Countries and Peoples to continue to consider the situation in Western Sahara and to report thereon to the Assembly at its seventy-second session; and invited the Secretary-General to submit to the Assembly at its seventy-second session a report on the implementation of the resolution.